

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Lisa Sattler d/b/a Midtown East Physical Therapy,

Plaintiff,

-against-

Dale Pharmacy & Surgical, Inc.,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
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21 Civ. 1521 (AT)

ORDER

The Court is in receipt of Plaintiff's letter requesting to amend the complaint, ECF No. 33, and associated letter briefing, ECF Nos. 35–36. Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that courts “should freely give leave” to amend a complaint “when justice so requires.” Fed. R. Civ. P. 15. “Although Rule 21, and not Rule 15(a), normally governs the addition of new parties to an action,” *FTD Corp. v. Banker's Tr. Co.*, 954 F. Supp. 106, 109 (S.D.N.Y. 1997), “the showing necessary under Rule 21 is the same as that required under Rule 15(a),” *Johnson v. Bryson*, 851 F.Supp.2d 688, 703 (S.D.N.Y. 2012). Here, Defendant has not demonstrated that the proposed amendment would be futile or otherwise prohibited under Rule 15. *See Bais Yaakov of Spring Valley v. Graduation Source, LLC*, No. 14 Civ. 3232, 2016 WL 1271693, at *5 (S.D.N.Y. Mar. 29, 2016) (holding that an individual defendant “may be held personally liable for violations of the TCPA if he had direct, personal participation in or personally authorized the conduct found to have violated the statute.” (quotation marks and citation omitted)); *Nordco, A.S. v. Ledes*, No. 95 Civ. 7753, 1999 WL 1243883, at *4 (S.D.N.Y. Dec. 21, 1999) (stating that a potential new defendant being judgment-proof does not “by itself . . . convince the [c]ourt to deny leave to amend”). Accordingly, Plaintiff's motion for leave to file an amended complaint is GRANTED. By **July 29, 2021**, Plaintiff shall file her amended complaint.

SO ORDERED.

Dated: July 15, 2021
New York, New York



ANALISA TORRES
United States District Judge